

Would a shut down affect BOEMRE's permitting process for oil and gas exploration and production in the Gulf?

According to the House Committee on Natural Resources it is expected that the Administration would stop all permit processing as "non-essential." That is what happened in 1995. The BOEMRE would continue conducting oversight and inspections to ensure safety, but all activity related to permitting of exploration and production would be stopped.

Would federal courts shut down? How would pending cases be treated? Would timelines keep running?

According to the House Committee on the Judiciary, the Administrative Office of the U.S. Courts (AO) has said that the Federal Judiciary would not have to shut down immediately because of the availability of other sources of funds. During previous shutdowns, the Judiciary used fee revenues and "carryover" funds from prior years to support what it considered its essential function of hearing and deciding cases, including payment of salaries and benefits of all judges and court employees, as well as support and administrative. These funds should sustain Judiciary activities for approximately ten working days after an appropriations lapse. Once these balances are exhausted, if a lapse in appropriations still exists, each court will need to limit its operations to mission-critical activities, but the AO expects most judicial functions should continue during any appropriations lapse.

- U.S. courts should continue to hear and decide cases without interruption. Thus, all cases including civil and criminal, old and new should be processed and argued, and judgments should be issued and enforced, according to normal schedules and priorities. Judicial activity should be limited to those functions necessary and essential to continue the resolution of cases.
- Most activities of probation and pretrial services office staff will continue. Supervision of potentially dangerous probationers and parolees will be maintained and needed treatment services should be provided. In non-emergency situations, probation and pretrial services should continue to handle new cases or maintain existing cases.
- The jury system will operate as necessary to assist the courts in the performance of Article III duties, though juror payments may be delayed. Attorneys and essential support staff in federal defender offices and court-appointed counsel will continue to provide defense services, as needed.
- Interpreters, librarians, circuit executives, and other like personnel will continue to be employed only if necessary.

Recently, an AO spokesperson said serious disruptions could occur if a shutdown were prolonged. This could mean that the district and circuit courts couldn't afford to pay jurors, court reporters, clerks, probation officers, or security personnel. At that point, each court would have

to determine which employees are "essential" for furlough purposes. Obviously, litigation conducted by Federal agencies could be delayed, even if the Federal courts remain open, because agency lawyers may not be considered exempt employees. That could delay certain types of litigation against the government, including claims for Social Security disability benefits, veterans' benefits, claims for medical injuries, and the like. Bankruptcy courts should continue those operations that may be considered part of the exercise of the judicial power of the United States or which preserve life or property. During the FY 1996 shutdowns, work on many bankruptcy cases was suspended.

What would happen to NASA and civil servants in the event of a shutdown?

According to staff at the House Committee on Science Space and Technology, to date, NASA has not provided Congress with their plans in the event of a shutdown. When the Federal government shut down previously, NASA established the critical support personnel necessary for continued safe operation of space assets, including the International Space Station, Space Shuttle, TDRS communications satellites, deep space, and earth observation satellites. Those employees provided the necessary functions to keep things safe. Historically, the contractor workforce (which is a significant percentage of the total) was not affected because the shutdowns were not lengthy. They continued to come to work without interruption.

Would prisons be secure?

According to the House committee on the Judiciary, care of prisoners and other persons in the custody of the United States is considered an excepted activity, as are personnel, in the event of a shutdown. Everyone who works at a the Bureau of Prisons is considered a federal law enforcement officer and expected to help with safety, even if their daily focus is on food preparation, health services, or something of the sort. Thus, during the last shutdown all prison employees were treated as essential. However, there will likely be some furloughs at the administrative offices, but employees working on intelligence and monitoring will likely also be considered essential. The same is likely to be true for pre-trial detainees held in the custody of the U.S. Marshals Service.

What would happen with federal contracts?

According to CRS Report RL34680, federal employees and contractors cannot be paid, for example, if appropriations have not been enacted. It would still be possible under the Constitution, nevertheless, for the government to make contracts or other obligations if it lacked funds to pay for these commitments. The so-called Antideficiency Act prevents this, however. The act prohibits federal officials from obligating funds before an appropriations measure has been enacted, except as authorized by law. The act also prohibits acceptance of voluntary services and employment of personal services exceeding what has been authorized by law. Exceptions are made under the act to the latter prohibition for "emergencies involving the safety of human life or the protection of property." Therefore, the Antideficiency Act generally prohibits

agencies from continued operation in the absence of appropriations. Failure to comply with the act may result in criminal sanctions, fines, and removal. According to CRS Report RL34680, of \$18 billion in Washington, DC, area contracts, \$3.7 billion (over 20%) reportedly were affected adversely by the funding lapse; the National Institute of Standards and Technology (NIST) was unable to issue a new standard for lights and lamps that was scheduled to be effective January 1, 1996, possibly resulting in delayed product delivery and lost sales; and employees of federal contractors reportedly were furloughed without pay.

Would non-federal entities be able to continue administering federal grants? ie: research through NIH

According to CRS Report RL34680, While not indicative of future shutdowns, in the past new patients were not accepted into clinical research at the National Institutes of Health (NIH) clinical center; the Centers for Disease Control and Prevention ceased disease surveillance; and hotline calls to NIH concerning diseases were not answered.